

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting**  
**No. 32**

**Special Meeting**

**November 5, 2007**

# Town Board Minutes

November 5, 2007

Meeting No. 32

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 5<sup>th</sup> day of November 2007, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
STEVEN SOCHIA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**TIM HORTON'S RESTAURANT SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Tim Horton's Restaurant site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately .76± acres.

The location of the premises being reviewed is 6339 Transit Road, Erie County, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER GOBER  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER SOCHIA, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
TIM HORTON'S RESTAURANT SITE PLAN  
NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
  - Herbicides and pesticides will be used for lawn care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.

16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
  - The action will create a small amount of employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

November 5, 2007

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

November 5, 2007

**IN THE MATTER OF THE SEQR REVIEW OF  
STORMWATER REGULATIONS**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the stormwater regulations matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The location of the premises being reviewed is the entire Town of Lancaster.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
STORMWATER REGULATIONS  
NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)

- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No significant adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No significant adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No significant adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No significant adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No significant adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No significant adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy).

**No significant adverse effects noted**

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

November 15, 2007

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

November 15, 2007

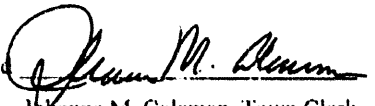


**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD MEMBER ANDERSON AND  
SECONDED BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE  
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The meeting was adjourned at 6:51 P.M.

Signed   
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 33**

**Regular Meeting**

**November 5, 2007**

# **Town Board Minutes**

November 5, 2007

Meeting No. 33

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5<sup>th</sup> day of November 2007 at 8:00 P.M. and there were:

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
JOHN TROJANOWSKY, YOUTH BUREAU EXECUTIVE DIRECTOR

## **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing two contractual matters.

At 9:15 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Kirchoff, Dave**, 37 Shadyside Lane, spoke to the Town Board on the following matter:

- parking by high school students on Shadyside Lane

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matters:

- storm receiver on his street
- snow plowing on his street
- barrier at end of his street

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- level of light emitted from street lights

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the estimates and assessment roll relating to the Special Districts budget.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:31 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 5, 2007

**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 2008 Preliminary Budget for the Town of Lancaster.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Lee Chowanice	93 Northwood Drive	Comments
Roy Schneggenburger	87 Stony Road	Comments

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:41 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 5, 2007

**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:41 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the year 2007 entitled "Prohibit Illicit Discharges, Activities and Connections To Separate Storm Sewer System".

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Lee Chowanice	93 Northwood Drive	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the public hearing was closed at 8:48 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 5, 2007

**PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:**

At 8:48 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2007 entitled "Stormwater Management And Erosion And Sediment Control".

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Roy Schneggenburger	87 Stony Road	Comments/Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, the public hearing was closed at 8:55 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 5, 2007

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
October 15, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

File: RMIN (P2)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster by letter dated October 31, 2007, has requested the appointment of Gina Bolender, 114 Pleasant Avenue, Lancaster, New York to the position of Clerk Part Time Temporary in the Detective Bureau of the Town of Lancaster Police Department to temporarily replace Karen Plewik who will be on maternity leave for at least twelve weeks.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Gina Bolender**, 114 Pleasant Avenue, Lancaster, New York be and is hereby appointed to the position of Clerk Part Time Temporary in the Detective Bureau of the Town of Lancaster Police Department effective November 12, 2007, for a minimum of twelve weeks at the rate of \$15.00 per hour, not to exceed 19.75 hours per week, with no benefits.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) (1) (j) of the Code of the Town of Lancaster, upon the application of **Octane Enterprises, Inc., d/b/a Octane Auto Sales**, for a Special Use Permit to conduct a used automobile sales business as a proposed tenant on premises located at 5151 Genesee Street which is the southeast corner of the intersection of Transit Road and Genesee Street in the Town of Lancaster, Erie County, New York, and

**WHEREAS**, the owner of the premises Eileen M. Leo, d/b/a/ Kovach Enterprises has no objection to the use as witnessed by a sworn statement submitted by the proposed tenant, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial Motor Service District (CMS)" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Octane Enterprises, Inc., d/b/a Octane Auto Sales for the property locally known as 5151 Genesee Street in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance and the following conditions:

- that motor vehicles not be stored within any required sight line area at the intersection of Transit Road and Genesee Street pursuant to the Vehicle and Traffic Law.
- that there can be no more than 15 vehicles on the lot.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

File: respecialuseoctaneenterprisesinc807a

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER AMATURA. TO WIT:

**WHEREAS**, TDL Group, 4455 Transit Road, Suite 2B, Williamsville, New York 14221, has submitted a site plan prepared by FRA Planning Designing Building dated October 1, 2007 and received October 5, 2007 for the proposed development of a 2,951 sq. ft. **Tim Hortons Restaurant** located at 6339 Transit Road, 320 feet north of Rehm Road, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan and at its meeting October 17, 2007 has recommended approval of this project, and

**WHEREAS**, a SEQR Review of this project was held November 5, 2007 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by TDL Group and prepared by FRA Planning Designing Building, dated October 1st, 2007 and received October 5, 2007 for the proposed development of a Tim Hortons Restaurant located at 6339 Transit Road, 320 feet north of Rehm Road in the Town of Lancaster conditioned on the following:

- (1) The drainage basins at the front of the property shall be dry detention basins which hold accumulated water only during and immediately after storms.
- (2) Low-level landscaping to be planted at both north and south approaches to avoid blocking motor vehicle operator's view.
- (3) A sidewalk shall be constructed on the east line of the property parallel with the access road from Rehm Road into the Tops Plaza.
- (4) Grading plan shall be subject to approval by Town Engineer.
- (5) Trash receptacle shall be placed at entrance to drive-thru for auto patrons.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS**, the Building Inspector of the Town of Lancaster has requested that the Town Board authorize him to replace a 1999 Ford automobile used in the Building Inspector's Office by purchasing a replacement vehicle through state bid, with a cost of \$19,345, and

**WHEREAS**, the Town Board has reviewed the request made by the Building Inspector and deems it appropriate to authorize such a purchase since a purchase from state bid does not require an invitation to bid pursuant to §103 General Municipal Law;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Building Inspector to make a purchase of a 2007 Chevrolet Equinox available through the state bid price.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

File: rbuildinginspectorstruck1107

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Lancaster Police Department has been awarded a grant through Senator Dale Volker's Office in the amount of \$10,000 to be used to purchase a piece of equipment know as a Total Station that will be used to assist investigators in measurements at fatal and serious motor vehicle accidents and criminal scenes, and

**WHEREAS**, matching funds will be required from the Town of Lancaster in the amount of \$1,111 to obtain this grant, and

**WHEREAS**, the Town Board deems it in the public interest to apply for such a grant:

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Lancaster hereby authorizes and directs Chief Gary Stoldt of the Lancaster Police Department to execute all documents pertaining to the application and acquisition of said funds for the purpose of securing the grant in the amount of \$10,000 with matching funds from the Town of Lancaster in the amount of \$1,111 for the equipment know as a Total Station.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 11070 to Claim No. 11336 Inclusive

Total amount hereby authorized to be paid: \$374,119.09

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

15185	Gozdziak, Robert	128 Court St	Re-Roof House	(V/L)
15187	Kwiatek, Ronald	89 Holland Ave	Er. Fireplace	(V/L)
15188	Wif LLC	42 Taft Ave	Er. Dwlg.-Sin.	
15189	McHale, Kevin	96 Christen Ct	Re-Roof House	(V/L)
15190	M.F. Specialty Const	145 William Kidder	Er. Garage	
15191	F & D Construction	41 Stream View Ln	Er. Shed	
15192	Bison Fence Inc	260 Pleasant View Dr	Er. Fence	
15193	Baglio, Paul	7 Windsor Ridge Dr	Er. Shed	
15194	S & A Debris Removal	2129 Como Park Blvd	Dem. Sunroom	(V/L)
15195	The Building Co Inc	7 Petersbrook Cir	Er. Res. Alt.	
15196	The Building Co Inc	7 Petersbrook Cir	Er. Garage	
15197	Majestic Pools Inc	15 Bentley Cir	Er. Pool-In Grnd	
15198	Expert Fence Co Inc	26 Summerfield Dr	Er. Fence	
15199	Duro-Shed Inc	29 Meadow Lea Dr	Er. Shed	
15200	Economy Tree Service	4849 Transit Rd	Dem. Dwlg	
15201	Rockford Const.	5211 Broadway	Er. Comm. Bldg.	(V/L)
15202	Empire Building	5221 Broadway	Dem. Comm. Bldg	(V/L)
15203	Empire Building	5229 Broadway	Dem. Comm. Bldg	(V/L)
15204	Highway, Gerald	574 Ransom Rd	Er. Garage	
15205	KCM Custom Garages	53 Old Post Rd	Er. Res. Add.	
15206	SW Holiday Remodeling	153 Brunck Rd	Er. Dwlg.-Sin.	
15207	Majestic Pools Inc	36 Chicory Ln	Er. Fence	
15208	Majestic Pools Inc	36 Chicory Ln	Er. Pool-In Grnd	
15209	Kulback's Construction	4849 Transit Rd	Er. Comm. Bldg.	
15210	Duro-Shed Inc	12 Hemlock Ln	Er. Shed	
15211	Forbes-Capretto Homes	67 Pavement Rd	Er. Dwlg.-Sin.	
15212	Dennis, Joseph	59 W Drullard Ave	Er. Fence	(V/L)
15213	Dennis, Joseph	59 W Drullard Ave	Er. Shed	(V/L)
15214	Natale Building Corp	68 Nicholas Ln	Er. Dwlg.-Sin.	
15215	Piwko, Jerome	25 Whitestone Ln	Er. Shed	
15216	Marrano/Marc Equity	7 Carlisle St	Er. Dwlg.-Sin.	
15217	SW Ferry Builders Inc	162 Nichter Rd	Er. Dwlg.-Sin.	
15218	D'Amico Home Impr.	46 S Irwinwood Rd	Dem. Garage	(V/L)
15219	D'Amico Home Impr.	46S Irwinwood Rd	Er. Garage	(V/L)
15220	John's Home Impr.	107 Elm Pl	Re-Roof House	(V/L)
15221	Lewandowski, Richard	185 Lake Ave	Re-Roof House	(V/L)
15222	SBS Home Impr.	5 Wildwood Dr	Re-Roof House	(V/L)
15223	Santoro Signs Inc	330 Harris Hill Rd	Er. Sign	

15224	John's Home Impr.	107 Elm Pl	Er. Res. Add.	(V/L)
15225	Zoladz Construction	3919 Walden Ave	Remove Tank	
15226	Iroquois Fence Inc	39 Harvey Dr	Er. Fence	(V/L)
15227	Kaz Brothers Const	3 Stone Hedge Dr	Er. Deck	
15228	Kaz Brothers Const	33 Woodgate Dr	Er. Deck	
15229	M. Sebastiano Const.	3627 Walden Ave	Er. Deck	(V/L)
15230	Forbes-Capretto Homes	59 Pavement Rd	Er. Dwlg.-Sin.	
15231	Marrano/Marc Equity	2 Carlisle St	Er. Dwlg.-Sin.	
15232	Homestead Designs	38 Partridge Walk	Er. Shed	
15233	Quality Aluminum II	30 Doris Ave	Er. Deck	(V/L)
15234	Duro-Shed Inc	14 Americo Ct	Er. Shed	
15235	Hammann, Kevin	20 Shadyside Ln	Er. Res. Alt.	
15236	Marilla Electric	8 Old Orchard Comm	Inst. Generator	
15237	North Forest Properties	2809 Wehrle Dr	Er. Sign-Wall Suite	
15238	Smith, Robert	14 Ashwood Ct	Er. Shed	
15239	Petroleum Services Inc	5341 Broadway	Repl. Pumps	(V/L)
15240	Gauthier, Robert	288 Lake Ave	Re-Roof House	(V/L)
15241	William Hein Const	624 Pleasant View Dr	Er. Pole Barn	
15242	Sebastiano Const	1143 Penora St	Er. Garage	
15243	Rozler, Lawrence	1 Impala Pky	Er. Deck	
15244	Cotton, Warren	24 Kurtz Ave	Er. Garage	(V/L)
15245	WFB Enterprises Inc	460 Central Ave	Er. Dwlg.-Sin.	
15246	Holiday Remodeling	25 Country Pl	Er. Garage	
15247	D & R Remodeling	52 Woodgate Dr	Er. Res. Add.	
15248	Cambria Contracting	328 Central Ave	Dem. Bldg	(V/L)
15249	Cambria Contracting	3601 Walden Ave	Dem. Bldg	(V/L)
15250	Cambria Contracting	3615 Walden Ave	Dem. Bldg	(V/L)
15251	Maslowski, Pat	534 Lake Ave	Er. Dwlg.-Sin.	
15252	Palumbo, Daniel	24 Brunck Rd	Er. Shed	

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007



**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO AND  
SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, RJF Development Company has requested that the Town Board approve disturbance of greater than five (5) acres including the stripping of topsoil from the proposed subdivision known as "Cross Creek Subdivision" located on Pleasant View Drive between Stony and Pavement Roads, and

**WHEREAS**, the applicant has submitted its Notice of Intent (NOI), together with its Storm Water Pollution Prevention Plan to the New York State Department of Environmental Conservation (DEC), and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the Preliminary Plat and voted to approve the plat with certain changes set out in the Planning Board resolution on December 15, 2004, and

**WHEREAS**, the developer has submitted a proposed final plat with revisions as recommended by the Planning Board, and

**WHEREAS**, the DEC, Region 9, has approved the disturbance of greater than five (5) acres in the proposed subdivision to be known as "Cross Creek Subdivision" based upon the Storm Water Pollution Prevention Plan submitted by RJF Development Company, and

**WHEREAS**, the applicant has advised the Town that it will comply with the NYSDEC General SPDES Permit and the USACOE wetland permit;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby grants permission to RJF Development Company to engage in the disturbance of soil in the proposed "Cross Creek Subdivision" with the condition that the developer remain in compliance with the NYSDEC and USACOE wetland permits and the Stormwater Pollution Prevention Plan.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 5, 2007

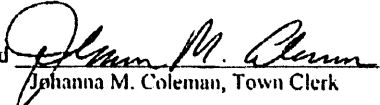
## COMMUNICATIONS & REPORTS:

514. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Notice from Town Forestry Department of no issues regarding site plan for Transit  
Commons Retail Development; also request for additional trees regarding site plan for  
Tim Horton's Restaurant. DISPOSITION = Planning Committee
515. Ferdinand J. Ciccarelli, Attorney to Town Clerk -  
Notice of application for liquor license for restaurant located at 6513 Broadway.  
DISPOSITION = Town Attorney
516. Office of Emergency Management and Safety to Town Board -  
Minutes of meeting held September 13, 2007. DISPOSITION = Received and Filed
517. Village of Lancaster to Town Board -  
Minutes of meeting held October 8, 2007 DISPOSITION = Received and Filed
518. Richard T. Quinn to Town Board -  
Request for re-appointment to Zoning Board of Appeals. DISPOSITION = For resolution
519. Town of Orchard Park to Town Board -  
Transmittal of resolution requesting renegotiation of 1977 sales tax agreement between  
Erie County and municipalities. DISPOSITION = Received and Filed
520. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy  
Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held October 17, 2007. DISPOSITION = Received and  
Filed
521. Planning Board to Town Board -  
Recommend approval of proposed regulations for Multi-family Residential District Six  
(MRF-6) zoning, 6026 Broadway at Pavement Road; conditions noted. DISPOSITION =  
Planning Committee
522. Planning Board to Town Board -  
Recommend approval of site plan regarding Tim Horton's Restaurant, 6339 Transit Road;  
conditions noted. DISPOSITION = Resolution 11/5/07
523. Planning Board to Town Board -  
Recommend approval of preliminary site plan regarding Roseland Subdivision,  
Phase II; conditions noted. DISPOSITION = Planning Committee
524. Planning Board to Town Board -  
Notice of adjournment to November 7, 2007 meeting regarding site plan review for Transit  
Commons Retail Development, Transit Road opposite Strasmer Road. DISPOSITION =  
Received and Filed
525. New York State Office of Real Property Services to Town Board -  
Notice of distribution of 2007 STAR Administrative Aid. DISPOSITION = Received and  
Filed
526. Erie Community College to Town Clerk -  
Notice of a Basic and Advanced Crime Prevention Through Environmental Design  
(CPTED) training class to be offered on October 29 - November 2, 2007. DISPOSITION  
= Received and Filed
527. Town Clerk to Planning Board, Zoning Board, Building Inspector, and Town Attorney -  
Notice of joint training session opportunity to fulfill mandatory training requirements.  
DISPOSITION = Received and Filed
528. NYS DEC to Town Clerk -  
Notice of training sessions for local government officials regarding wastewater  
management. DISPOSITION = Received and Filed

529. Erie County Department of Environment & Planning to Town Board -  
Designation of November 1 through November 30 as thirty-day time period to request inclusion of agricultural land into agricultural district. DISPOSITION = Received and Filed
530. Erie County Department of Environment & Planning to Town Board -  
Transmittal of first and second quarters of 2007 report of the Erie County Community Development Consortium. DISPOSITION = Received and Filed
531. William Maryniewski to Town Clerk -  
Letter of resignation from Zoning Board of Appeals. DISPOSITION = Received and Filed
532. Town Attorney to Town Board, Planning Board -  
Notice of SEQR meeting to be held November 5, 2007, 6:30 PM regarding Tim Horton's Restaurant and Storm Water Regulations. DISPOSITION = Received and Filed
533. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held November 5, 2007, 6:30 PM regarding Tim Horton's Restaurant and Storm Water Regulations. DISPOSITION = Received and Filed
534. NYS DEC to TDL Group -  
Notice of lead agency designation regarding Tim Horton's Restaurant, 6339 Transit Road; comments noted. DISPOSITION = Planning Committee
535. Time Warner Cable to Supervisor -  
Update on continuing negotiations with the NFL network and Time Warner Cable. DISPOSITION = Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, the meeting was adjourned at 9:15 P.M.**

Signed   
Johanna M. Coleman, Town Clerk